

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from July 1, 2007, through December 31, 2007, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. Case management

The court's data manager and I were involved in ensuring that the CM/ECF system operated to adequately accommodate the sometimes extraordinary logistical requirements of this case.

The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), and Section 7 (Tierra Amarilla). I continue to review and approve consent orders and acknowledgments, decide motions relevant to subfile activity in these sections, enter litigation and scheduling orders, and monitor the progress of the subfile activity.

The adjudication activity in Section 5 (Gallina) is nearly completed. Orders to show cause were issued to all defendants regarding their water right priorities; no responses were filed. Plans are underway for preparing the final *inter se* proceeding which will lead to a partial final decree describing the non-federal water rights claims. In Section 7, the resolution of the state law-based claims of the Jicarilla Apache Nation is proceeding. Efforts to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades continue.

B. Federal and Indian water rights claims

Last year, it became clear that better case planning and coordination was necessary in order to make any progress on the adjudication of these claims. State, federal, and private resources were strained in attempting to meet all existing case management deadlines; while simple extensions of time were ineffective and served simply to prolong an ineffectual process. On July 14 I held the first Pueblo and Tribal claims priorities meeting for this case and other federal cases. Discussions between attorneys continued productively for the rest of the year, as reported in joint status reports.

The adjudication of Non-Indian and non-Wild and Scenic River claims are guided by the March 1, 2005, Scheduling Order for Federal Non-Indian Water Rights Claims in Sections 3, 5, and 7, as amended. The Wild and Scenic River claims matter, which was remanded to me by the Court, is governed by the July 18, 2005, Initial Scheduling and Pretrial Order for the Adjudication of Wild

and Scenic River Claims, as amended. Now that the parties have reached a negotiated settlement of similar claims in the Jemez River stream system, they are working on a proposed schedule for resolving outstanding matters in this case.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of data manager, Karla Bruner/AquaTek, and Sara Ellen Heath, administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: February 21, 2008

Vickie L. Gabin

SPECIAL MASTER VICKIE L. GABIN